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Chairman: Mr. Majoor ..... (Netherlands)

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The meeting was called to order at 3.15 p.m.

Agenda item 64: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/63/L.19/Rev.1 and A/C.3/63/L.62-68)

Draft resolution A/C.3/63/L.19/Rev.1: Moratorium on the use of the death penalty

1. **The Chairman** said that he had been informed that the draft resolution contained no programme budget implications.

2. **Mr. Llanos** (Chile), speaking as main sponsor, said that the Bolivarian Republic of Venezuela, Kyrgyzstan, Nicaragua, Palau and South Africa had joined the sponsors. Consultations on the draft resolution had been undertaken in a spirit of constructive dialogue. The current concise and simple text took into account proposals made by delegations that were deemed to be compatible with the spirit and purpose of the draft resolution. He hoped that it would enjoy the support of most delegations.

3. **Ms. Awino-Kafeero** (Uganda), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the right to life was recognized by Islam and indeed all religions. States had a duty to protect that right. Use of the death penalty was however an issue falling within the domestic jurisdiction of States, which had the sovereign right to establish their own justice systems. While some States had abolished the death penalty or imposed a moratorium on its use, the death penalty was not a violation of international law or international human rights instruments provided that it was not imposed in an arbitrary manner and there were adequate guarantees of due process. Given the lack of international consensus on the death penalty, the diverging points of view could be reconciled only in the context of multilateral discussions on the broader issue of the right to life in all its aspects.

4. **Mr. Menon** (Singapore) said that the muted reaction to the recent sentencing to death of the Bali bombers proved that opposition to the death penalty was more a matter of political expediency than moral principle. He underscored that the use of the death penalty was not a human rights issue but rather a criminal justice matter and was allowed under international law. Every State had the sovereign right to choose whether or not to use the death penalty. The current draft resolution therefore had no place in the United Nations.

5. The basic issue before the Committee was not the death penalty but whether a country had the right to decide on its use. That right was enshrined in Article 2, paragraph 7, of the Charter of the United Nations, concerning non-intervention by the Organization in matters essentially within the domestic jurisdiction of any State. Every State had the right to choose its legal and criminal justice systems just as any State had the right to abolish the death penalty or observe a moratorium on its use. The choice made by a State should be respected by others; no country or group of countries had the right to impose a position.

6. The minor changes made to the text of the draft resolution were not sufficient to make it acceptable. It continued to pass judgment on countries that retained the death penalty, for example by "reaffirming" the contentious resolution of the previous year, language generally reserved for consensus resolutions. The consultations on the draft resolution had led to superficial changes at best and did not reflect proposals to reaffirm the right of every State to choose its legal system. Forcing a resolution through was not the way to change views or promote respect for human rights. Diversity and differences of opinion must be respected. He urged all delegations to support the proposed amendments to the draft resolution and to vote against the draft resolution as submitted.

7. **Mr. Wolfe** (Jamaica) reaffirmed the right of States to choose their domestic political, social, economic and cultural systems without interference. That included the right to choose to apply the death penalty for serious crimes. He recalled Article 2, paragraph 7, of the Charter concerning non-intervention by the United Nations in matters that were essentially within the domestic jurisdiction of any State. Use of the death penalty fell within domestic jurisdiction. In addition, while the International Covenant on Civil and Political Rights enshrined the inherent right to life in paragraph 1 of article 6, paragraph 2 of that same article provided that the death penalty could be imposed for the most serious crimes pursuant to a final judgment rendered by a competent court. Many States had not signed the second Optional Protocol to the

Covenant aiming at the abolition of the death penalty. His delegation supported the proposed amendments to draft resolution A/C.3/63/L.19/Rev.1 and urged delegations to respect each other's points of view.

8. **Mr. Saeed** (Sudan) stressed that the death penalty was not prohibited under international law and that States had the sovereign right to adopt the criminal justice system of their choice without interference. States that retained the death penalty respected the decision by other States to abolish the death penalty or observe a moratorium on its use; the same courtesy should be extended to them. His Government imposed the death penalty only for the most serious crimes and with all safeguards of due process. His delegation therefore supported the proposed amendments with a view to achieving a balanced text and called on delegations to support the amendments and vote against the draft resolution as submitted.

9. **Mr. Attiya** (Egypt) said that respect for human dignity and the sanctity of life were highly revered principles of Islam as well as other religions. That was why Islamic law restricted the death penalty to the most serious crimes and only in application of due process. Article 6 of the International Covenant on Civil and Political Rights did not prohibit the death penalty but restricted the death penalty to the most serious crimes pursuant to a final judgment by a competent court, and with the right to seek pardon or commutation of the sentence. Guarantees of due process, and not the use of the death penalty itself, had clearly been the key element in the opinion of the drafters of the Covenant.

10. The restriction in article 6, paragraph 5, of the Covenant on imposition of the death penalty on persons below eighteen years of age reflected international agreement that the death penalty could be applied only to mature adults who were perfectly aware of the wrongful nature of their acts. The restriction on carrying out the death penalty on pregnant women showed respect for the right to life of the unborn child. Islam also considered elective abortion to be a crime that arbitrarily took an innocent life, without due process of law.

11. The draft resolution implied that States that retained the death penalty did so for political reasons, not to maintain social order and stability. The text claimed that there was a trend towards abolition, based on the report of the Secretary-General on moratoriums on the use of the death penalty (A/63/293), which was based on unverified information. States that chose to abolish the death penalty or implement a moratorium on its use as well as those States that chose to retain the death penalty were acting within their sovereign right and in accordance with international law. The draft resolution ignored the diversity of the legal, cultural and economic systems in the world and tried to impose one group's views on others.

12. The appropriate forum for discussing the use of the death penalty was the Human Rights Council, in the context of a comprehensive discussion of the right to life in all its aspects. Negotiations in that regard should be undertaken in a spirit of multilateral dialogue. There was likewise a clear desire within the international community to amend the relevant provisions of the International Covenant on Civil and Political Rights. The proposed amendments to the draft resolution reflected the desire of numerous States to strike a balance between the divergent points of view and should be supported by all delegations.

13. **Ms. Abubakan** (Libyan Arab Jamahiriya) underscored the right of States to impose the death penalty for the most serious crimes with a view to deterring criminals and ensuring justice for victims who had themselves lost their lives. Draft resolution A/C.3/63/L.19/Rev.1 was an attempt by some States to impose their views on others. The text would violate Article 2, paragraph 7 of the Charter of the United Nations. States had the sovereign right to establish a legal system and penalties in keeping with their culture and traditions with a view to striking a balance between the rights of the accused, the rights of victims and the needs of society. Furthermore, use of the death penalty was not prohibited by international law. She regretted that proposals to amend the draft resolution to make it more balanced had been rejected by the sponsors during the informal consultations.

14. The right to life was sacred and she welcomed, for example, the international community's efforts to eliminate violence and armed conflict. Her Government restricted the death penalty to the most serious crimes and ensured due process for those deemed to pose a threat to society because of the nature of their crimes. Her delegation would vote against the draft resolution and urged all delegations to do likewise.

15. **Ms. Halabi** (Syrian Arab Republic) said that the draft resolution was an attempt to force some States to change their freely chosen domestic legal system, in violation of the principle of Article 2, paragraph 7, of the Charter. States which retained the death penalty had the sovereign right to choose a legal system based on their national culture and the desire to balance the rights of criminals and their victims. She rejected any attempt to impose a single viewpoint on all States.

16. Use of the death penalty was a criminal justice issue, not a human rights issue. Its abolition would reward criminals rather than putting the victim's rights first. She recalled that use of the death penalty was allowed pursuant to article 6, paragraph 2, of the International Covenant on Civil and Political Rights. Her Government believed that, provided there had been trial before a competent court, the death penalty was a just penalty if an accused was found guilty of taking another's life.

17. The proposed amendments to the draft resolution were simply an attempt by States that wished to retain the death penalty to have their views reflected in a more balanced text. She called on all delegations to support those amendments.

18. **Ms. Zhang** Dan (China) regretted the re-introduction of a draft resolution which had failed to achieve consensus at the previous session of the General Assembly. That was counterproductive and confrontational and was not in keeping with a spirit of constructive dialogue. The sponsors should not attempt to impose their views on other States, in accordance with Article 2, paragraph 7, of the Charter. Choice of a legal system and the penalties for crimes was clearly a matter of domestic jurisdiction. The draft resolution politicized and complicated the issue of the death penalty.

19. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights allowed the use of the death penalty for the most serious crimes. States were free to abolish or retain that penalty, or declare a moratorium on its use, in accordance with their specific legal and cultural traditions. She regretted that during informal consultations the sponsors had not been open to proposals that would have broadened the dialogue, avoided confrontation and led to a more balanced consensus text. She called on all delegations to support the proposed amendments and also vote against the draft resolution as submitted.

20. **The Chairman** drew the Committee's attention to the amendments to draft resolution A/C.3/63/L.19/Rev.1 contained in documents A/C.3/63/L.62 to 68, which contained no programme budget implications. He suggested that the Committee should take action on the proposed amendments in the order in which they had been submitted.

21. *It was so decided.*

22. **Mr. Attiya** (Egypt), introducing the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.62, said that Saint Kitts and Nevis had joined the sponsors. Recalling Article 2, paragraph 7, of the Charter, the amendment underscored that the choice of a legal system and penalties for crimes fell within a State's domestic jurisdiction. Use of the death penalty was allowed pursuant to article 6, paragraph 2, of the International Covenant on Civil and Political Rights. He regretted that the sponsors of draft resolution A/C.3/63/L.19/Rev.1 had chosen not to include similar language in the proposed text and called on all Member States to express support for the principles enshrined in the Charter by supporting the proposed amendment.

23. **Mr. Degia** (Barbados) said that recourse to the death penalty fell within the domestic jurisdiction of States and was permitted under international law for the most serious crimes. The sponsors of draft resolution A/C.3/63/L.19/Rev.1 were trying to impose their set of values on other countries, with no respect for their sovereignty or integrity. Given that the proposed amendment in document A/C.3/63/L.62 referred to the Charter, he hoped that all delegations would be able to support it.

24. **Mr. Menon** (Singapore) said that the proposed amendment protected the sovereign right of a Member State to decide on matters that fell within its domestic jurisdiction. His delegation would support the proposed amendment and urged all other delegations to follow suit.

25. **Ms. Zhang** Dan (China) said that the proposed amendment under consideration reflected the principles of the Charter and prevented interference in matters that fell within the domestic jurisdiction of States. She called on all delegations to vote in favour of it.

26. **Mr. Rastam** (Malaysia) said that the proposed amendment showed that there was no international consensus on the death penalty. On the other hand, it

seemed clear that there was consensus on the principles contained in the Charter, including the principle that each State had the right to decide how to organize its legal system. He, therefore, urged all delegations to support the proposed amendment.

27. **Mr. Santos** (Timor-Leste) said that draft resolution A/C.3/63/L.19/Rev.1 had been carefully worded to avoid controversy. The sponsors had rejected the proposed amendment because it quoted selectively from the Charter. They did not believe that the draft resolution violated the sovereignty of Member States because United Nations resolutions served as recommendations rather than legally binding rules. Given that the proposed amendment in document A/C.3/63/L.62 went against the spirit of the draft resolution, he urged all delegations to vote against it.

28. **Mr. Nikuljski** (The former Yugoslav Republic of Macedonia) said that draft resolution A/C.3/63/L.19/Rev.1 reaffirmed draft resolution A/C.3/62/L.29, which had clearly stated that it was guided by the purposes and principles contained in the Charter. In addition, it should be noted that the draft resolution under consideration served as a recommendation to Member States to rethink use of the death penalty. His delegation would therefore vote against the proposed amendment.

29. **Ms. Banks** (New Zealand) said that the proposed amendment in document A/C.3/63/L.62 was inappropriate and misleading because it quoted selectively from the Charter. Resolution A/C.3/62/L.29 had referred to the purposes and principles contained in the Charter as a whole. The selective quotation contained in the proposed amendment did not refer to States' obligations under Articles 1 and 13 of the Charter to promote and protect human rights and fundamental freedoms for all. In addition, United Nations resolutions did not authorize the Organization to intervene in matters within national jurisdiction, but rather were statements of political and moral authority which encouraged the international community to take certain actions. They did not impose a certain course of action on any State. For all those reasons, she urged all delegations to vote against the proposed amendment.

30. **Ms. Mndebele** (Swaziland) said that her delegation supported the proposed amendment because it believed in the principle that Member States should not interfere in matters that fell within the domestic jurisdiction of other States. It was for each Member State to decide on the punishments that it saw fit for particular crimes.

31. **The Chairman** said that the representative of Chile had requested a recorded vote on the proposed amendment in document A/C.3/63/L.62.

32. **Mr. Heller** (Mexico), speaking in explanation of vote before the voting, said that the Charter provided the guiding principles for international human rights instruments and the work of the Organization, including the work of the Third Committee. The proposed amendment contained a selective quotation from the Charter, and its only purpose was to impede discussions on the death penalty within the Committee. Given the importance of respecting all the principles of the Charter, he urged all delegations to vote against the proposed amendment.

33. **Mr. González** (Costa Rica) said that his delegation was firmly opposed to all the proposed amendments because they would weaken the draft resolution. While respecting the different opinions of delegations, he would vote against the proposed amendment under consideration.

34. **Mr. Jesus** (Angola) said that his delegation fully supported draft resolution A/C.3/63/L.19/Rev.1 and could see no value whatsoever in the proposed amendment. The draft resolution clearly reaffirmed earlier draft resolution A/C.3/62/L.29, which had referred to the principles contained in the Charter. It would therefore not be helpful to adopt a proposed amendment that quoted selectively from the Charter. In addition, draft resolution A/C.3/63/L.19/Rev.1 did not violate the domestic jurisdiction of States. He therefore urged delegations to vote against the proposed amendment.

35. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.62.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Bolivia, Botswana, Brunei Darussalam, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan

Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Namibia, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Algeria, Benin, Cambodia, Côte d'Ivoire, Equatorial Guinea, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Suriname, United Republic of Tanzania, United States of America, Zambia.

36. *The proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.62 was rejected by 81 votes to 67, with 23 abstentions.**

37. **Mr. Suárez** (Colombia) said that the proposed amendment had only referred to one part of the Charter and that had not been acceptable to his delegation. The draft resolution reaffirmed the previous year's resolution, which referred to the principles contained in the Charter as a whole. The sponsors had aimed to make draft resolution A/C.3/63/L.19/Rev.1 concise and clear.

38. **Mr. Degia** (Barbados), introducing the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.63, said that the draft resolution was not balanced and should not reaffirm General Assembly resolution 62/149 because that resolution had not been adopted by consensus. He called on delegations to support the proposed amendment and to ensure transparent and objective working methods in the Committee.

39. **Mr. Khane** (Secretary of the Committee) said that the Comoros had joined the sponsors of the proposed amendment.

40. **Mr. Rastam** (Malaysia) said that draft resolution A/C.3/63/L.19/Rev.1 reaffirmed General Assembly resolution 62/149 without reflecting the differences of opinion that had been expressed with respect to that resolution. Those differences of opinion still existed. The proposed amendment to replace the word "*Reaffirming*" with the word "*Recalling*" had been put forward in good faith and reflected those differences of opinion. He hoped that delegations would support the proposed amendment.

41. **Mr. Stastoli** (Albania) said that his delegation opposed any changes to the draft resolution. In particular, the word "*Reaffirming*" was the backbone of the text and drew attention to General Assembly resolution 62/149, which had represented a landmark achievement in the promotion and protection of human rights. That wording should therefore not be changed.

42. **Ms. Chan** Yu Ping (Singapore) said that the proposed amendment should be supported because it was not accepted practice to use the word "reaffirming" for controversial resolutions. Such wording would not indicate the divisions that had existed at the time of the adoption of General Assembly resolution 62/149. The proposed amendment would provide a fair way of referring to General Assembly resolution 62/149 and would show respect for standard practice at the United Nations.

* The delegation of Namibia subsequently informed the Secretariat that it had intended to vote against the proposed amendment. The delegation of Belize subsequently informed the Secretariat that it had intended to vote in favour of the proposed amendment.

43. **Mr. Dangue Réwaka** (Gabon), speaking as a sponsor of draft resolution A/C.3/63/L.19/Rev.1, said that the adoption of General Assembly resolution 62/149 had represented a historical landmark in the promotion and protection of human rights. The term "*Reaffirming*" in the first preambular paragraph was therefore appropriate, and was indeed at the core of the concise draft resolution. Moreover, it provided a connection with the work of the previous session. There was nothing in the rules or practices of the Committee to prevent the use of the term, which had appeared in a number of previous resolutions. His delegation would vote against the proposed amendment in document A/C.3/63/L.63.

44. **The Chairman** said that a recorded vote had been requested on the proposed amendment in document A/C.3/63/L.63.

45. **Ms. Cross** (United Kingdom), speaking in explanation of vote before the voting, said that her country was a sponsor of the draft resolution, which was brief and largely procedural. Given that the content of resolution 62/149 was not repeated in the current draft resolution, the term "*Reaffirming*" was necessary in order to express continued support. The use of the term was in keeping with established practice. In order to maintain the integrity of the draft resolution, her delegation would vote against the proposed amendment.

46. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.63.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Cambodia, Djibouti, Equatorial Guinea, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Russian Federation, Senegal, Sierra Leone, South Africa, Sri Lanka, United Republic of Tanzania, Zambia.

47. *The proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.63 was rejected by 87 votes to 60, with 22 abstentions.*

48. **Mr. Attiya** (Egypt), introducing the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.64, said that Saint Kitts and Nevis had joined the sponsors. The proposed amendment was aimed at recognizing the note verbale dated 11 January 2008 from 58 Member States to the Secretary-General, which had been circulated as document A/62/658. In that document, the Member States had placed on record their persistent objection to any attempt to impose a moratorium on the use of the death penalty or its abolition. They had stated that,

under international law, there was no obligation to introduce such a moratorium or abolition. Some States had done so, and others had not; both were exercising their sovereign right.

49. The sponsors of draft resolution A/C.3/63/L.19/Rev.1 had refused to consider the proposed amendment. In the same way, at the previous session they had refused to allow Member States to vote on individual paragraphs of General Assembly resolution 62/149. To that end, they had resorted to a no-action motion, despite their own opposition to such motions in the case of country-specific resolutions. In the interests of democratization and multilateralism, he urged all delegations to support the proposed amendment.

50. **Mr. Zvachula** (Federated States of Micronesia), speaking as a sponsor of draft resolution A/C.3/63/L.19/Rev.1, said that the proposed amendment would give document A/62/658 the same importance as resolution 62/149. However, that document had never been adopted by the General Assembly; properly speaking, it could therefore not be reaffirmed. Moreover, its content went against that of the draft resolution. Accordingly, his delegation would vote against the proposed amendment.

51. **Mr. Yáñez-Barnuevo** (Spain), also speaking as a sponsor of draft resolution A/C.3/63/L.19/Rev.1, said it was inappropriate to refer to a note verbale from a group of Member States alongside a General Assembly resolution: they were documents of a different nature. The latter, unlike the former, had been negotiated and approved by a body with universal membership. Furthermore, the note verbale was referred to in the report of the Secretary-General contained in document A/63/293, which was in turn welcomed in paragraph 1 of the draft resolution. There was no need to refer to the note verbale again separately. Lastly, the proposed amendment went against the spirit of the draft resolution. His delegation would therefore vote against the proposed amendment.

52. **The Chairman** said that the representative of Chile had requested a recorded vote on the proposed amendment in document A/C.3/63/L.19/Rev.1.

53. **Mr. Vigny** (Switzerland), speaking in explanation of vote before the voting, said that document A/62/658 represented the view of a minority of Member States and was contrary to the spirit of the draft resolution. His delegation would therefore vote against the proposed amendment.

54. **Mr. Skračić** (Croatia), speaking as a sponsor of the draft resolution, said a reference to document A/62/658 was more than inappropriate — it would set a dangerous precedent. The purpose of the proposed amendment was to weaken the draft resolution; he urged all delegations to oppose it.

55. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.64.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia,

Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Cambodia, Congo, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Sri Lanka, United Republic of Tanzania, Zambia.

56. *The proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.64 was rejected by 87 votes to 57, with 22 abstentions.*

57. **Ms. Chan** (Singapore), introducing the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.65, said that Saint Kitts and Nevis had joined as sponsors. The report of the Secretary-General claimed that there was a global trend towards abolition of the death penalty, but did not provide statistical evidence. No transparent and inclusive domestic polls had been carried out. Nor was it credible to count as abolitionist States that had not used the death penalty recently. The amendment emphasized the right of each State to choose the option that it deemed necessary.

58. **Mr. Spatafora** (Italy), speaking as a sponsor of draft resolution A/C.3/63/L.19/Rev.1, said that the proposed amendment in document A/C.3/63/L.65 would weaken a critical part of the text. During informal consultations, several relevant comments had already been accepted, and the first part of the second preambular paragraph of the draft resolution had been taken verbatim from the sixth preambular paragraph of General Assembly resolution 62/149.

59. There was in fact evidence of a global trend towards the introduction of a moratorium on the death penalty. In 1977, only 16 States had abolished the death penalty for all crimes. In 2008, that figure had risen to 92. More than two thirds of States had abolished the death penalty in law or practice. Only 24 had carried out an execution in 2007. No judicial system was immune to mistakes, and the death penalty was irreversible and irreparable. Hence the word "*Noting*", as opposed to "*Welcomes*", was not sufficient. His delegation would vote against the proposed amendment.

60. **Mr. Rastam** (Malaysia) said that his delegation was willing to accept the views of all Member States in a spirit of open dialogue. However, the second preambular paragraph of the draft resolution made a tacit value judgment and singled out certain Member States, in a manner contrary to the spirit of the Charter of the United Nations. The proposed amendment, which was factually accurate and constructive, would strike a balance. His delegation would vote in favour of it.

61. **Mr. Attiya** (Egypt), said that although the draft resolution was about the introduction of a moratorium, the second preambular paragraph emphasized abolition, something that had in fact been the intention behind the draft resolution from the beginning. The proposed amendment would act as a corrective; his delegation would vote in favour of it.

62. **The Chairman** said that a recorded vote had been requested on the proposed amendment in document A/C.3/63/L.65.

63. **Ms. Šćepanović** (Montenegro), speaking in explanation of vote before the voting, said that there was indeed a steady and long-standing global trend towards abolishing the death penalty. During the period 2007-2008, six additional countries had abolished it for all crimes and two for ordinary crimes. In total, 141 countries were now abolitionist in law or practice, and none had reintroduced it. A number of relevant international conventions had also been ratified.

64. The proposed amendment was not sufficient: the sponsors of draft resolution A/C.3/63/L.19/Rev.1 believed that the moratorium should apply universally to all crimes, and not only to those considered to be "the most serious crimes" under domestic legislation. The United Nations had, moreover, adopted numerous human-rights conventions that entailed obligations on domestic legal systems. She, therefore, urged all delegations to vote against the proposed amendment.

65. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.65.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Fiji, Gambia,

Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Cambodia, Congo, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Russian Federation, Senegal, Sierra Leone, South Africa, Sri Lanka, Suriname, United Republic of Tanzania, Zambia.

66. *The proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.65 was rejected by 86 votes to 59, with 24 abstentions.*

67. **Mr. Gaumakwe** (Botswana), introducing the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.66, said that Myanmar and Saint Kitts and Nevis had joined the sponsors. The proposed amendment would help balance the draft resolution and avoid double standards, something that the latter's sponsors had not done. Many Member States maintained the death penalty for the most serious crimes, and it was essential to include various concepts of justice.

68. **The Chairman** said that a recorded vote had been requested on the proposed amendment in document A/C.3/63/L.66.

69. **Ms. Chan** (Singapore), speaking in explanation of vote before the voting, said that the proposed amendment went to the core of the issue at hand: that it was the sovereign right of every country to determine its own legal system. She failed to understand why that position — which had been supported by a number of the sponsors of the draft resolution in reference to other resolutions of the Committee — could not be applied to the current draft. Her delegation would vote in favour of the proposed amendment and called upon all Member States to do likewise, with a view to ensuring a consistent position on the sovereign rights of States.

70. **Mr. Degia** (Barbados) said that the proposed amendment sought to lend balance to the draft resolution and reaffirmed that it was the right of all States to determine their own legal and penal systems in accordance with international law. A number of the sponsors had referred to that right in negotiations on other draft resolutions, and if that right was referred to in other draft resolutions, it should also be referred to in the current draft resolution and in other relevant draft resolutions across the board.

71. **Mr. Shingiro** (Burundi) said that draft resolution A/C.3/63/L.19/Rev.1 contained no provision that affected the sovereign right of States to determine the legal measures and penalties which were appropriate to their societies, in accordance with international law. Indeed, from a legal standpoint, the promotion of a moratorium on the death penalty could not be seen as interfering in the national jurisdiction of States.

72. Furthermore, the decision by an increasing number of States to apply a moratorium on executions and the trend towards abolition of the death penalty,

referred to in the draft resolution, had clearly been made unilaterally by the States concerned. The proposed amendment only served to dilute the content, substance and aims of the draft resolution. His delegation would thus reject the proposed amendment, and other Member States should do the same.

73. **Mr. Ripert** (France) said that the proposed amendment seemed to run completely counter to the spirit of the draft resolution and sought to diminish its impact. Contrary to what several members of the Committee had claimed in their statements, no one was contesting the right of States to make decisions within their own legal systems, nor was anything being imposed. The aim of the draft resolution was to draw on the General Assembly's right to make recommendations to assist in the realization of human rights and fundamental freedoms for all, as stated in the Charter of the United Nations. In fact, when States determined the legal measures and penalties which applied in their legal systems, the General Assembly had every right to ensure that those were in accordance with human rights.

74. The General Assembly had recognized on a number of occasions that the application of the death penalty restricted the enjoyment of human rights. Use of the death penalty could not be seen as an act of justice, and any legal system which respected human rights should, at the very least, exclude such a penalty. His delegation was thus opposed to the proposed amendment and called on all Member States to vote against it.

75. **Ms. Bustos** (Argentina) said that the proposed amendment undermined the aims of the draft resolution. Such extensive amendments couched in such general terms would only render the draft resolution imbalanced and alter its intended aim of highlighting the actions taken by States in applying the moratorium and the growing trend towards abolishing the death penalty. There was nothing in the draft resolution that limited the right of States to determine their legal or penal systems. The proposed amendment was superfluous in light of the reference that the draft resolution made to resolution 62/149 and could give the false impression that there were contradictions between the two resolutions. Her delegation would thus vote against the proposed amendment and urged others to do the same.

76. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.66.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Congo, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco,

Niger, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Suriname, United Republic of Tanzania, United States of America, Zambia.

77. *The proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.66 was rejected by 87 votes to 62, with 20 abstentions.*

78. **Mr. Degia** (Barbados), introducing the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.67 on behalf of its sponsors, said that Saint Kitts and Nevis had joined the sponsors. The draft resolution lacked balance and had the effect of imposing its sponsors' viewpoint on other Member States. As it was worded, the draft resolution "welcomed" the report of the Secretary-General on the implementation of resolution 62/149, whereas it was the normal United Nations practice to "note" reports of the Secretary-General whenever Member States were not comfortable with the reports.

79. That practice should be applied in the current case since a number of Member States had felt that the report in question was biased and drew on sources that the Secretary-General had not been mandated to use. It was hoped that the proposed amendment, which contained language that was consistent with that of other resolutions and moved the reference to the report of the Secretary-General from the operative to the preambular section of the text, would receive the support of the Committee.

80. **Ms. Nassau** (Australia) said that the report of the Secretary-General referred to in paragraph 1 of the draft resolution made a substantive contribution to the debate on the issue of the moratorium on the use of the death penalty. Her delegation thus would like to see the reference welcoming that report to be retained in the operative part of the draft resolution. The sponsors of the draft resolution had already accommodated some amendments to paragraph 1, removing the reference to an "endorsement" of the report's conclusions and recommendations, as requested by a number of delegations. The Secretary-General's report was balanced, taking into account the views of both abolitionist and retentionist countries. Her delegation was thus opposed to the proposed amendment.

81. **Mr. Attiya** (Egypt) said that since the report referred to in paragraph 1 of the draft resolution had based its conclusions on unauthenticated information and had not followed any real methodology, it would be best to take note of it rather than welcome it.

82. **Ms. Chan** (Singapore) said her delegation wished to support the proposed amendment, as it was not the practice in the United Nations or the Third Committee to welcome or refer to conclusions or recommendations of a report that contained elements that were objectionable to certain Member States. While some delegations claimed that the report made a substantive contribution, it did not reflect the opinion of the entire General Assembly.

83. Despite the deletion of the word "endorses" with reference to the conclusions and recommendations contained in the Secretary-General's report, the text remained unreasonable and inappropriate. Furthermore, there had been numerous references to notes verbales in resolutions in the past. Her delegation would thus vote in favour of the proposed amendment and urged others to follow suit.

84. **The Chairman** said that a recorded vote had been requested on the proposed amendment in document A/C.3/63/L.67.

85. **Ms. Miculescu** (Romania), speaking in explanation of vote before the voting, said that a reference to the Secretary-General's report was essential to the aim of the draft resolution, and that, given its substantial contribution to human rights, it should be welcomed and the reference should stay in the operative part of the text. She emphasized the substantial flexibility that the sponsors had demonstrated during negotiations on paragraph 1, as evidenced by their agreeing to delete the word "endorses" with regard to the conclusions and recommendations of the Secretary-General's report. Furthermore, that report was balanced and encompassed the viewpoint of both abolitionist and retentionist countries. She reminded the Committee that it was the practice for a General Assembly resolution to welcome the report of the Secretary-General when sponsors agreed with its content. She therefore urged the sponsors to vote against the proposed amendment.

86. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.67.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Suriname, United Republic of Tanzania, Zambia.

87. *The proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.67 was rejected by 88 votes to 59, with 20 abstentions.*

88. **Ms. Chan** (Singapore), introducing the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.68 on behalf of its sponsors, said that the proposed amendment was important for several reasons. First, it was inappropriate for the draft resolution to contain a request for a report on a previous resolution, since it was common United Nations practice to ask for a report on the current resolution. That would set an unusual precedent and could be used, in the future, to reopen obsolete or contentious issues from the past.

89. The words "calls upon" — in reference to the request in paragraph 2 of the draft resolution for Member States to provide information to the Secretary-General for his report — should be deleted, since that decision was the sovereign right of countries. Such a request was inappropriate and not in keeping with the practice of the Committee. Finally, making the resolution biennial was not productive and would only serve to repeat a divisive process. Though her delegation did not believe that the issue should be debated at all in the United Nations, in a spirit of tolerance, it had agreed to consider discussing the question every three years. Accordingly, she urged all delegations to vote in favour of the proposed amendment.

90. **Mr. Degia** (Barbados) said that the attempt to streamline paragraphs 2 and 3 of the draft resolution and restore the normal practice of the United Nations should be supported. In light of the precedent that the draft resolution was attempting to set by requesting a report on a resolution from an earlier year, if the proposed amendment were rejected, he would hope that when a future draft resolution was drawn up on a development-related issue or another question of importance to developing countries and his delegation sought to introduce similar language based on that precedent, those efforts would be supported.

91. **The Chairman** said that the representative of Chile had requested a recorded vote on the proposed amendment in document A/C.3/63/L.68.

92. **Ms. Juul** (Norway), speaking in explanation of vote before the voting, said that the proposed amendment was contrary to the aim and purpose of the

draft resolution. In light of the importance of the moratorium on the death penalty and to give Member States time to review and possibly change national legislation pertaining to the death penalty, the matter needed to be considered at least every other year. Furthermore, helping the Secretary-General to continue consideration of such a dynamic issue by calling on Member States to provide information for the report in question would ensure the best possible input. She thus rejected the proposed amendment and urged all Member States to vote against it.

93. **Ms. Intelmann** (Estonia) said that her delegation, as a sponsor of the draft resolution, opposed the proposed amendment, since the two operative paragraphs in question clearly aimed to take into account the comments made by various delegations and to guarantee the continuation of an open and constructive debate on the issue in the future. Making the resolution biennial was fitting since it allowed time to complete the legal changes needed to abolish the death penalty and for Member States to deliberate on the issue and implement the resolution. It was also an optimal time period to enable the United Nations to take stock of all the important developments in the field as they occurred.

94. The Secretary-General's progress report was valuable, and the request for information from Member States was important as that would contribute to a continuous, open debate on the issue of the death penalty. She also noted that the General Assembly had asked for reports to be made on previous resolutions. Her delegation thus strongly supported retaining the language in paragraphs 2 and 3 of the draft resolution and called on all delegations to reject the proposed amendment.

95. **Ms. Pi** (Uruguay) highlighted the merits of paragraphs 2 and 3 of the draft resolution, and rejected the proposed amendment. While the draft resolution might appear to merely touch on a procedural matter, it was important to request a report which referred not only to the draft resolution, but mainly to resolution 62/149, which contained substantive elements on which information was requested. A biennial resolution was a good compromise solution, especially considering the desire of some to consider the report annually and also in view of the time that was needed to reflect on and implement necessary legislative changes. In addition, biennial resolutions were in line with the most common United Nations practice. The request for States to provide information was a usual formulation. Her delegation thus rejected the proposed amendment.

96. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.68.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Fiji, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Bhutan, Cambodia, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Peru, Republic of Korea, Russian Federation, Senegal, Sierra Leone, South Africa, Sri Lanka, Suriname, United Republic of Tanzania, Zambia.

97. *The proposed amendment to draft resolution A/C.3/63/L.19/Rev.1 contained in document A/C.3/63/L.68 was rejected by 87 votes to 56, with 24 abstentions.*

The meeting rose at 6 p.m.